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Biography

I was a practitioner and manager in residential child care settings for 20 years. I developed and taught the Masters in Residential Child Care at Strathclyde University/Glasgow School of Social Work. I am currently a lecturer in social work at the University of Edinburgh with interests in residential child care.

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Historical abuse in residential child care: an alternative view

Abstract

In recent decades residential child care practice across the English-speaking world has been shaped by an assumption of widespread historical abuse. The author questions this dominant account, arguing that the emotion surrounding institutional abuse can preclude appropriately critical examination. Investigations into historical abuse reflect the witch-hunt metaphor employed in relation to previous child abuse panics in family and community settings. The failure to look critically at this subject has led to the prosecution of scores of staff. There is evidence to suggest that many allegations are false, based on the possibility of financial reward, a state of affairs that also diminishes the experiences of genuine victims of abuse. At a wider level, the assumption of abuse legitimizes managerial and regulatory approaches to practice, which contribute to the poor condition of state care. This article gives a brief overview of abuse in residential child care settings. It challenges the premise that it was widespread and raises questions as to how such beliefs were constructed. It concludes with a discussion of the implications for staff in residential care, for genuine victims and for the governance of the sector.

Keywords: residential child care, abuse, false allegations

Approximate word count 4,700 words excluding abstract and references.

Historical abuse in residential child care: an alternative view

Introduction

Residential care for children and young people only derives legitimacy if it can be presumed to provide experiences that are better than those available within children's families and communities of origin. When children are admitted to care elements of the duty of care mandate ascribed to parents under common law transfers to the state (Fulcher, 2002). It represents a fundamental breach of that duty if children are subsequently abused by those charged to care for them.

After decades of ambivalence towards children in public care the 1990s witnessed a raft of scandals and resultant inquiries into abuse in residential homes and schools. Corby et al (2001), give an account of the range of inquiries, culminating in The North Wales Tribunal of Inquiry set up under Sir Ronald Waterhouse to investigate persistent rumours of abuse and cover-up in residential child care in the counties of Clwyd and Gwynedd. Waterhouse concluded that there had been widespread sexual and physical abuse in residential homes and schools in North Wales. This confirmed a wider view that abuse in residential care settings was widespread and systemic. The Report of the National Commission of Inquiry into the Prevention of Child Abuse reported that, ... *the catalogue of abuse... is appalling. It includes physical assault and sexual abuse, emotional abuse, unacceptable deprivation of rights and privileges, inhumane treatment, poor health...*

(1996:19)

In relation to the North Wales case Cllr Malcolm King, Chair of Social Services in Clwyd, in the mid 1990s claimed, *The evidence emerging is that children's homes were a gulag archipelago stretching across Britain - wonderful places for paedophiles but, for the children who suffered, places of unending nightmares.*

(cited in Corby et al 2001:113)

There is no doubt that some children were abused in residential child care as in any setting where adults had access to children. For others, the experience of care failed to provide them with appropriate emotional attention and support. However, in this article I question the nature and extent of that abuse as suggested in the above accounts and highlight the failure of the social work profession to adopt a suitably critical stance on the subject. I outline the developing concern around residential child care, which has led to the construction of a particular master narrative around abuse. I attempt, following Parton, to uncover how historical abuse 'has been constituted and make explicit the range of complexities, ambiguities and tensions that have fed into it.' (2006: 3). I conclude by considering the implications for practice in and governance of residential child care brought about by the way abuse allegations are responded to.

Locating myself

There is perhaps a default position that leads social workers to accept a view that abuse in residential care settings was widespread, reflecting the preeminent place of child protection in the profession's recent history. This is sustainable so long as the setting in question is not one we know. Most of my experiences as a practitioner and manager in residential care settings over a period of almost 20 years had been positive

with not a hint of systematic or institutionalised abuse. Then, over the past few years schools and individuals I knew well became implicated in claims of abuse. Many of the allegations simply did not fit with basic facts. I began to follow cases, keeping press cuttings and attending court sittings. I also began to look more critically at the literature on institutional abuse. In this article I draw on knowledge from particular cases and from the wider literature to question the master narrative that has emerged on the subject.

The ‘master narrative’ on abuse

The discourse on historic abuse relies on a particular ‘master narrative’ around how it could flourish (Cruz, 1998, Stanley et al, 1999, Horwarth, 2000, Stein, 2006). The received wisdom can be summarized as follows: individuals harbouring ill intent towards children infiltrated care homes. They could do so easily because recruitment policies were lax. Once in employment they were free to identify and groom vulnerable children. Abuse could remain undetected because abusers were sufficiently manipulative and deceitful to be able to cover up their activities. Management structures and cultures were so loose or corrupt that they either failed to address or covered up reports of abuse. Rather than relying on individual staff members to speak out against abuse, the official discourse valorizes the role of the whistleblower, an individual of exceptional moral substance who, despite being subject to ridicule and harassment stands out against corrupt and closed systems in order to bring justice to abused children.

The narrative is complete by the adoption of a therapeutic discourse, epitomised by the self-help literature on child sexual abuse of which the volume *Courage to Heal* (Bass and Davis, 1988) is perhaps the best-known example. According to this way of thinking, children repress the memory of abuse and invariably do not disclose until adulthood often with the aid of counselling. The concept of repressed memory is hotly disputed by psychologists (Loftus, 1993), yet it continues to influence approaches to childhood sexual abuse (Nelson and Hampson, 2005). A further strand in this therapeutic discourse, which sees cases brought into the criminal courts, is the idea that the trauma of childhood abuse is responsible for subsequent difficulties in the lives of those alleging abuse. ‘Victims’ seek ‘closure’ and that the conviction of their abuser is central to that process (Dineen, 2005).

This simplistic account of how abuse thrives and is ultimately detected and brought to justice is replete with the stock villains and heroes identified as characteristic of the ways in which scandals are constructed (Butler and Drakeford, 2005).

Questioning the master narrative

The extent of abuse

While Waterhouse confirmed an impression of widespread abuse of children in residential care, questions arise as to how accurate a picture this is. Some of the difficulty is down to definition; terms such as abuse are notoriously imprecise.

Penhale notes that, *There has not been any agreement between... researchers...as to what constitutes abuse and neglect; it is therefore difficult to extrapolate fixed truths about incidence, prevalence and other characteristics...*

(cited in Stanley et al, 1999:3)

Definitional difficulties are compounded by historical distance - what was everyday practice 20 years ago might nowadays be classed as abuse, particularly in cases of physical abuse. A government report on Issues of Control in Residential Child Care, for instance, (Millham, Bullock, Hosie and Hak) proposes that a “quick clout tends to be the immediate reaction to provocative misconduct” (1981: 39) and that staff should not feel guilty about this as it could be understood as an expression of care. Twenty-five years on staff are not only made to feel guilty for delivering quick clouts, they are being prosecuted for it (BBC News, 2007).

The evidence to support the presumption of widespread abuse is decidedly weak. It is based largely on self-report, primarily to the telephone helpline, Childline (MacLeod, 1999) or small-scale studies of child protection professionals (Barter, 1999). Neither approach is likely to provide generalisable data. Other research suggests that abuse in residential child care is no more likely there than in foster care (Kendrick, 1998) or in community settings where adults have access to children (Gallagher, 2000). In Scotland public petitions to the Holyrood Parliament on the subject prompted the then First Minister, Jack McConnell, to make a public apology to all victims of abuse in residential child care and to establish an investigation under an ‘independent expert’, thus confirming an impression that abuse had been endemic in this setting. Yet one of these petitions contained one signatory, the other four (Scottish Parliament, 2002, 2005). Similarly, the children’s advocacy group Who Cares? (Scotland) had to close down a help-line established to advise victims of historical abuse after it received only one call in a three-month period (Scottish Executive, 2005).

In the absence of good research evidence, information on the extent of abuse is provided in the raft of inquiry reports that have emerged over the past decade or so. These too are blunt instruments through which to gauge the true facts of what went on in residential care. The purpose of inquiries is to establish a 'master narrative', 'which, for all its claims to objectivity and veracity, is only one partisan version of many possible accounts' (2005: 235). Butler and Drakeford go on to note that 'dissenting and questioning voices are to be discovered, submerged beneath the dominant discourse.' (2005: 137). The submerged voices in this area are those of carers and of adults who had very different experiences in residential child care from those claimed by a vocal minority of 'victims'.

However, those voices are rarely heard. Questioning the nature or extent of abuse can lead to visceral denunciation from child protection professionals and accusations of being part of a backlash against child protection (Myers, 1994). The very act of questioning 'is almost seen in itself to be abusive, with identity (and ultimately sometimes career) consequences for those who ask the questions...' (Sikes and Piper, 2006). Yet the denial of appropriately critical research and debate around this subject results in it being shrouded in and driven by an unreflective emotivism, caught within the wider moral panic that surrounds child abuse (Furedi, 2005). Sikes and Piper (2006) suggest that we should not shrink from the task of subjecting questions of allegations against teachers and carers to critical scrutiny.

A recent publication (Webster, 2005) demands a more fundamental questioning of received beliefs about abuse in residential child care. *The Secret of Bryn Estyn* (2005), shortlisted for the Orwell Prize for political writing, sets out to tell the story of the

abuse scandal in North Wales. Webster systematically and compellingly deconstructs the 'official' version of events as detailed in the Waterhouse Report. He exposes fundamental inconsistencies and falsehoods in many of the allegations of abuse made in North Wales and elsewhere and seeks to understand how such a situation could arise. He uses the witch-hunt metaphor to liken events in North Wales to early modern incarnations of panic over children and sex and within a persistent strand of the Christian tradition for demonological fantasy. Ideologies, imported from California, based on the work of Roland Summit (1983) fed into an emerging moral panic over child abuse resulting in the over-zealous prosecution of care workers.

The witch-hunt metaphor

Commentators who have looked into the process by which allegations of historical abuse are dealt with concur with the appropriateness of the witch-hunt metaphor (Beckett, 2002, La Fontaine, 2005). In ostensibly modern and rational times it isn't comfortable to countenance the possibility that we might be caught up in mass hysteria. However the capacity for demonological fantasy in respect of children is not new. The 1980s and 1990s saw panics based around satanic ritual abuse (SRA) break out across the UK. The SRA controversy in the UK is now comprehensively discredited (Clapton, 1993, La Fontaine, 1994). However, Corby et al (2001) suggest that disquiet over the way in which child protection panics in community and family settings in cases such as Cleveland and Orkney were managed had the effect of redirecting efforts to find abuse away from the family and on to residential child care, an area which, partly due to wider professional ambivalence towards institutional care, is vulnerable to such scrutiny.

Features of witch-hunts include a tendency to accept bizarre accounts of events and a belief in the supernatural powers of witches. This was used to justify dispensing with normal rules of prosecution (Beckett, 2002). Witchcraft was considered *crimen exceptum*, an exceptional crime demanding that normal evidential safeguards be dropped. The witch-hunt metaphor regarding allegations of SRA is captured by the Broxtowe Joint Enquiry Team (1990), which investigated the management of such a case in Nottinghamshire. *All the elements appear to us to be present; rigid pre-conceived ideas, dubious investigative techniques, the unwillingness to check basic facts, the readiness to believe anything however bizarre,*

(JET Report, Conclusions).

The process through which allegations against care staff are prosecuted is similarly troublesome. The readiness to believe or not to question allegations of abuse is manifest in some bizarre examples. The Bryn Estyn case evokes pictures of adolescent boys being launched over goal-posts, of a boy having a boat hook inserted into his backside, a feat Webster (2005) discounts as medically impossible, and of instances of buggery perpetrated as boys walked from one room to another. The De La Salle case, where, over the past five years, members of the religious teaching order have been accused of abusing boys in their care in Scotland, throws up some equally implausible accusations.

One of these involved boys taken by minibus in the dead of night to a lay-by, where they were met by a vanload of trainee dentists who proceeded to perform extractions without the benefit of anaesthetic. The very same tale resurfaces in every detail in an

interview with Peter Mullan, the director of the film, *The Magdalen Sisters*, who seeks to make a case about how awful industrial schools were in Dublin (Guardian, 2003). Either this was a particularly well-travelled band of dentists or stories are assuming the status of urban myth.

False allegations

Failure to question some of these more bizarre stories creates the conditions in which false allegations of abuse can flourish. Sikes and Piper (2006) usefully break down the term false allegations into two categories, malicious and unfounded; the first implies a deliberate intention to deceive, the second is a result of misunderstanding or misinterpretation. The intimacy and at times conflictual nature of residential homes make questions of interpretation more ambiguous than they might be in other settings, increasing the likelihood of unfounded allegations. In respect of historical allegations the waters are further muddied by malicious allegations, made for the purposes of financial compensation. Webster (2005) concludes that the majority of allegations made in North Wales were false. While social workers on the ground know that people they work with can make false allegations for a variety of reasons (Beckett, 2002), the profession seems reluctant to countenance that this might be the case in this particular context. The lure of financial reward makes this distinctly likely.

Compensation

While compensation is not the sole factor behind claims of abuse and is unlikely to be significant in genuine instances social workers should be open to the possibility that it

is a significant determinant in many of the historical abuse allegations that are made. Certain lawyers are prominent in encouraging claims of abuse to the point of placing adverts soliciting ‘victims’ (Webster, 2003). The criminal injuries compensation system provides a source of financial redress for those who claim to be victims, often without any individual having been convicted of an offence. The example of Canada, where some of the earlier manifestations of institutional abuse arose, suggests that claims of institutional abuse can be targetted by organised criminals as a money making scheme. The province of Nova Scotia introduced a scheme to compensate those allegedly abused in care. Belatedly curious about the amounts of money being paid out, the state authorities eventually discovered that a sizable proportion of claimants, far less having been abused in care, had not even been placed there (Kaufmann, 2002). The local Hell’s Angels were instrumental in orchestrating a massive scam (Dunlop, 2006). The province now faces compensating those staff falsely accused.

Trawling

The vulnerability of staff in residential school settings is compounded by police investigatory methods. Prosecutions for historical abuse are invariably a product of a practice known as ‘trawling’, which turns normal investigatory procedure on its head. Trawling starts with an allegation regarding a particular individual, of which there is rarely any independent corroboration. The police visit, often repeatedly, all or a sample of those resident in an establishment over a particular period of time asking if they recall this individual and if they were abused by them. The prospect of financial compensation may be raised. (For a fuller account of trawling see Webster, 1999).

Allegations made in respect of an individual can be gathered together to give an impression of patterns of behaviour. Separate accounts of abuse can be used for evidential purposes to corroborate one another. In a recent Scottish case relating to Kerelaw School in Ayrshire two men were prosecuted and subsequently jailed. One of the two accused faced over 50 charges, the other over 40. Because so many charges are levelled, some of them are bound to stick (the staff member accused initially of over 50 counts was convicted of 18, the one accused of over 40 was convicted on four counts). The creation of an aura of abuse can be furthered through the decision to try individuals together, even when the charges they face do not relate to one another. The practice of trawling and the acceptance of evidence of similar fact are particularly dangerous in the context of residential child care where, by the very nature of the task, staff and pupils are thrown together in regular and close proximity.

One might assume that convictions only occur where there is strong corroborating evidence and that, given the passage of time, this would need to be particularly robust. The opposite is the case. Staff can be faced with charges stating that they abused a child at some point between the years of 1979 and 1982. The burden of proof is reversed - those accused need to prove they weren't there and that something didn't happen. In fact, cases have come to court and ended in conviction when the accused did not even work at the establishment at the time of the alleged offences. The case of Anver Sheikh who recently had his conviction overturned on appeal is one such case in point (see Palmer, 2006).

The difficulties inherent in practices of investigating historical abuse are acknowledged in a Home Affairs Committee Report from 2002 which states that ‘trawling’ is an

‘absolutely unregulated process tailor-made to generate false allegations. There is deep concern over the conduct of police interviews and the integrity of witness testimony. Set in the context of a growing compensation culture... the risks of effecting a miscarriage of justice are unusually high

It goes on to claim, *It has been suggested, and we believe it to be so, that a new genre of miscarriages of justice has arisen...* Despite this many men remain in jail on the basis of convictions secured by such methods. Social work is conspicuous in its silence over the possibility that members of the profession have been wrongly convicted.

The Wider Context

The ‘discovery’ of abuse in residential care can only be understood in the context of wider societal trends in recent decades. At a broad level these include a persistent ambivalence towards institutional care (Jones and Fowles, 1984) and a child protection discourse overlaid with gendered assumptions (Buckley, 2000). It is no coincidence that most of the major cases of abuse have centred on residential schools and that it is overwhelmingly men who have been prosecuted. Against this backdrop, the North Wales case was played out. The interplay of local circumstances, brought together a particular cast of characters, politicians, journalists and the whistleblower

who was central to the whole process. Together these acted as what Butler and Drakeford (2005) call 'claims makers' in generating the scandal.

Whistleblowing features in many cases of institutional abuse. The role merits some scrutiny if the term is not to become merely a cover for individuals to pursue personal vendettas. Webster (2005) speaks of a psychology of righteousness in the make-up of those who would claim the title. The reality is that for every whistleblower in cases of institutional abuse there can be found staff groups who tell a different story of what life in a residential home was like. It defies comprehension to assume they were all stupid or complicit. Such assumptions may reflect the lack of value that social work accords residential child care.

The growth of managerialism

It is no coincidence that the North Wales and similar cases erupted as the doctrine of managerialism came to pervade the public services. A child of the New Right, managerialism evinces a distrust of professionals and valourises of a new style of public services management, hands on, eager to make a mark and generally located with officials removed from direct service delivery. The North Wales case coincided with such a change in political climate in the local council (Corby et al, 2002).

Claims by authorities to be acting in a child protection capacity authorise the external control of education and care. Dean (1999) argues that, *Child Protection policies, both in their form and content, act as regulatory frameworks ... They can also be seen as technologies of performance because they presuppose a culture of mistrust in professions.*

(cited in Sachs and Mellor, 2005; P149).

The Waterhouse Report, since its publication, has shaped the regulatory reform of residential care across the UK. An industry has developed around residential care, pedalling a range of technologies in the areas of recruitment practices, restraint techniques, inspection regimes and the regulation of the workforce. Yet, if Webster's (2005) thesis is accepted and residential child care was not a hotbed of abuse then these professional and social policy agendas have proceeded over the past decade on a flawed prospectus – one predicated on the existence of widespread institutional abuse and the need to regulate it out.

The cult of the victim

The vigour with which allegations of historical abuse are pursued is publicly justified by citing the interests of victim. Of course there is a need to listen to and support those who allege past abuse. However, this has to be done both sensitively and critically if further injustices are to be averted. Claims made on the behalf of victims often fail to serve their interests. Colton et al, (2002), describe how the process of having their pasts resurrected and taken through an investigative and legal process can re-traumatise victims of abuse. It is questionable whether catharsis or closure can result from the legal process or indeed whether the courts should even be involved in what is essentially an individual psychological process (Dineen, 2005).

...

In North Wales several alleged victims of abuse committed suicide (NCH, 1996). The official version of events infers that this was a result of the trauma of their abuse (Cruz, 1998, Stein, 2006). One of the disturbing questions raised by Webster (2005) is

whether these suicides might in fact have been a consequence of complainers struggling to maintain false narratives. If this might be the case it provides a sorry indictment of those encouraging the headlong pursuit of complaints. Furthermore, the extent of false allegations and the confusion sown by these diminishes the experiences of those genuine victims of abuse.

Claiming to be on the side of the victim risks accusations of psychological reductionism, creating the impression that difficulties in someone's life can be attributed primarily to their experiences in residential child care. Prior and subsequent personal experiences and structural issues such as poverty are marginalised within this line of thinking. The question arises as to whether the award of a few thousand pounds compensation is really going to make any difference to the lives of those abused or otherwise in care or whether the whole process merely generates unfulfilled hopes of 'closure', sticking individuals in a state of angst.

Concern for the victim cannot be seen as entirely altruistic. It is symptomatic of wider societal trends. Furedi (2005) claims that late-modern society has become obsessed with abuse. A reflection of this is evident in a paradigm shift in criminal justice policy where the focus has moved away from provision of safeguards against wrongful conviction to a 'clamour to ensure that no guilty offenders escape their just deserts' (Naughton, 2005 p: 65). Williams (2005) notes that political rhetoric around victims can be used to justify a burgeoning prison population. Again residential care workers, by the very nature of what they do, are especially vulnerable.

In the context of residential child care acceptance of a victim perspective fundamentally skews perceptions of the sector and silences alternative views. Those views exist in the narratives of staff who worked in residential care and in those of former residents who tell very different stories. In Ireland an organization Let Our Voices Emerge (LOVE), representing former residents of residential homes presents a very different picture of what life in care was like, locating it within the wider social and historical context in which it was offered. These alternative accounts do not romanticise care but present a far more rounded version than those generally presented.

Discussion

Developments in the regulation of residential child care are justified under the banner of improvement. Arguably it is time to put to rest the conceit that the raft of regulation witnessed in recent years has led to better care. Unwarranted faith in the capacity of external regulation to bring about improvement may actually impede the development of practice through professional discourse. The heightened emotion of the child protection agenda short-circuits legitimate debate in complex areas of practice, such as care and control or sexuality. These become risky discursive sites within what McWilliam and Jones describe as the ‘new regime of truth that constitutes child protection’ (2005: p.109). Sachs (2003) suggests that teachers have now become the victims of child protection procedures, while McWilliam and Jones (2005) identify teachers as ‘risky subjects’.

This has a number of consequences not least around the morale of staff in the sector.

It also has consequences for the type of care on offer. Staff increasingly care for children ‘with gloves on’ (Horwarth, 2000). A depressing picture of the kind of residential child care that has emerged as a response to the various scandals and the raft of inquiries and reports they have spawned is painted in a feature in a newspaper feature comparing residential care homes in England and Germany. According to the manager of the English home ‘In everything we do we work according to strict protocols’ (p.28). Staff in this home

are expected to keep three simultaneous daily logs. The first is a handwritten diary noting movements of staff and children in and out of the home; no Tipp-Ex corrections are allowed and all unused parts of pages must be crossed through and initialled. The second is a round-the-clock record of the children’s activities and staff registering, for instance, if a child gets up for a glass of water in the night. The third is an individual log compiled each day for each child, noting their activities and behaviour. All these logs and diaries must be stored for a minimum of 75 years - partly in case a child makes an allegation of abuse against a care worker. So many need to be held onto that thousands are kept at a disused salt mine in Kent.

Sunday Times (18th March, 2007)

Cameron captures the result of such practices she noting that,

the optimum expected from state care... is around safekeeping. Care as used in legislation seems to have been emptied of its potential, a dried up expression for how to manage an underclass of disadvantage.

Conclusion

In drawing this article to a close it is hard to conclude other than that the publicity surrounding claims of institutional abuse distorts a more prosaic reality of residential care - the whole area of institutional abuse appears to owe more to ideology than to evidence. La Fontaine, who was instrumental in dismissing SRA scares on behalf of the Government concurs, stating, *'One can now state with conviction that, up until the end of the 20th century, there had been no organised abuse or even very much individual abuse in children's homes'* (2005).

In failing to consider this subject through a suitably critical lens, the social work establishment risks accusations of naivety. Clapton describes how, in the satanic ritual abuse controversies of the 1980s and 1990s, social workers took their cue from therapists and psychologists. They "were portrayed as, at best, gullible and naïve and completely lacking in any expertise, or at worst, doctrinaire fanatics" (1993: intro). A similar judgment may await those who fail to ask questions of what is happening in respect of historical allegations made against residential school staff. As Webster points out, it is not the untutored mob that is complicit in witch-hunts but the wider child care and political establishment.

This raises questions of natural and social justice, and of the possibility of ensuring just and humane outcomes for both genuine victims of abuse and for those accused of

abuse. It also holds back the development of appropriately creative and child centred practice in residential care.

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